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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10010911IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John M. Baron et al.

Confirmation No.: 9746

Application No.: 09/935,249

Examiner: D.Y. Chow

Filing Date: August 22, 2001

Group Art Unit: 2629

Title: ACCELERATION-RESPONSIVE NAVIGATION AMONG MODE VARIABLES

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 10/25/04.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☐ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Date of facsimile: July 2, 2007

Typed Name: Brian S. Rosenbloom

Signature: 

Respectfully submitted,

John M. Baron et al.

By: 

Brian S. Rosenbloom

Attorney/Agent for Applicant(s)

Reg No.: 41,276

Date: July 2, 2007

Telephone: (202) 783-6040

Rev 10/06a (Apl/Brief)

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Appl. No. : 09/935,249
Applicant : John M. Baron
Filed : 08/22/2001
TC/A.U. : 2629
Examiner : Chow, Doon Y.

Docket No. : 10010911
Customer No. : 06449

Confirmation No. : 9746

Mail Stop - Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

The following comprises a reply to the Notification of Non-Compliant Appeal brief mailed June 7, 2007.

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Appellant's Reply to the Notification
of Non-Compliant Appeal Brief
Serial Appln. No. 09/935,249

REMARKS

The Office alleges that the Appeal Brief filed on 27 December 2004 is defective because "the summary of claimed subject matter fails to identify and map each independent claim (13) to the specification by page and line number and to the drawings, if any."

While Applicants disagree with the Office's allegation, Applicants submit below the allegedly defective section of the Appeal Brief with revisions. Applicants respectfully submit that the section below, which summarizes the claimed subject matter, is in full compliance with all applicable rules and regulations.

Section V - SUMMARY OF CLAIMED SUBJECT MATTER1. Independent Claim 1

Independent claim 1 is directed to an image capturing device 100 (see FIG. 1 and page 4 at paragraph 0014, line 1). The claimed image capturing device 100 includes at least one acceleration sensor 108 (see FIG. 1 and page 4 at paragraph 0014, line 1), a display 130, 500 (see FIGS. 1 and 5; see also page 4 at paragraph 0014, line 4 and page 9 at paragraph 0035, line 1), and a processor 105 (see FIG. 1 and page 4 at paragraph 0014, line 3).

As shown in FIG. 1, processor 105 is in communication with sensor 108 and display 130 as indicated by the solid lines

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connecting processor 105 with sensor 108 and display 130 (see also page 4 at paragraph 0015). The claimed display 130, 500 includes a graphical selection indicator (see the arrow displayed in FIG. 5; see also page 5 at paragraph 17, lines 3-4). The graphical selection indicator is capable of being moved in the display 130,500 to select from among two or more displayed icons (see e.g., page 3 at paragraph 0007, lines 1-8; page 5 at paragraph 0018, lines 1-2; and page 7 at paragraph 0027, lines 1-4).

The claimed acceleration sensor 108 is capable of detecting an acceleration motion of the device along at least one axis (see e.g., page 3 at paragraph 0007, lines 1-8; and page 5 at paragraph 0019, lines 1-3). In response to detecting the acceleration, the sensor 108 generates an acceleration signal (see page 3 at paragraph 0007, lines 1-8). The processor 105 receives the acceleration signal and moves the graphical selection indicator in response to the acceleration signal (see page 3 at paragraph 0007, lines 1-8).

Thus, according to the invention defined in claim 1, a user of the imaging device 100 may select from different icons simply by moving the entire imaging device left, right, up or down, without having to press any buttons (see page 3 at paragraph 0007, lines 1-8).

2. Independent Claim 9

Independent claim 9 is directed to an image capturing device 100 (see FIG. 1 and page 4 at paragraph 0014, line 1). The claimed image capturing device 100 includes at least one

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acceleration sensing means (e.g., an acceleration sensor 108, shown in FIG. 1) for detecting an acceleration motion of the device along at least one axis and generating an acceleration signal in response to detecting the acceleration motion (see page 3 at paragraph 0007, lines 1-8). The structure corresponding to the "acceleration sensing means" is an acceleration sensor 108 (see FIG. 1 and page 5 at paragraph 0019). "The ... acceleration sensor 108 may be any type of sensor capable of detecting gross acceleration along an axis and generating an electrical output in response." Page 5 at paragraph 0019. "The at least one acceleration sensor 108 may be a 3-axis accelerometer formed as a chip, such as an airbag sensor available from Fuji Electric Co., Japan." Page 6 at paragraph 0023.

The claimed image capturing device 100 also includes a display 130,500, a processor 105 communicating with the display 130, and a memory 120 communicating with the processor 105 (see FIG. 1 and see page 4 at paragraph 0014, lines 1-4). The claimed display 130,500 includes a graphical selection indicator (see the arrow displayed in FIG. 5; see also page 5 at paragraph 17, lines 3-4). The graphical selection indicator is capable of being moved in the display to select from among two or more displayed icons (see e.g., page 3 at paragraph 0007, lines 1-8; page 5 at paragraph 0018, lines 1-2; and page 7 at paragraph 0027, lines 1-4). The claimed memory 120 stores a predetermined threshold 128 and a slew rate variable 125 (see FIG. 1; see also page 7 at paragraph 0025, lines 3-6).

According to the invention defined in claim 9, the processor 105 moves the graphical selection indicator in

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response to the acceleration signal if the acceleration signal exceeds the predetermined threshold 120 stored in memory 120 (see page 12 at claim 4). Furthermore, the movement speed of the graphical selection indicator is controlled by the slew rate variable 125 stored in memory 120 (see page 13 at claim 6; see also page 7 at paragraph 0026, lines 1-5).

Thus, in the invention defined by claim 9, the process 105 will not move the graphical selection indicator in response to receiving the acceleration signal unless the received acceleration signal exceeds the predetermined threshold (see page 12 at claim 4).

3. Independent Claim 13

Independent claim 13 is directed to a navigation method for an image capturing device 100 (see FIG. 1; see also page 4 at paragraph 0014, lines 1-4). The method includes the steps of: (a) displaying two or more mode variables (see the menu 501 in FIG. 5; see also page 9 at paragraph 0035, lines 5-7); (b) detecting an acceleration of the image capturing device and generating an acceleration signal in response (see e.g., page 3 at paragraph 0007, lines 1-8; and page 5 at paragraph 0019, lines 1-3); and (c) moving a graphical selection indicator (see the arrow of FIG. 5; see also page 9 at paragraph 0035, lines 7-15) among the two or more mode variables in response to the acceleration signal (see page 3 at paragraph 0007, lines 1-8).

This inventive method allows a user of the imaging device 100 to select a mode variable merely by moving the imaging device in a predetermined manner (see page 3 at paragraph 0007,

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lines 1-6; see also page 7 at paragraphs 0027, lines 1-4; and
page 7 at paragraph 0028, lines 1-5)). That is, the user need
not have to press a button to select a mode variable (see page 3
at paragraph 0007, lines 6-8).

Conclusion

Applicant respectfully submits that the above section of
the Appeal Brief is in full compliance with all applicable
rules.

Respectfully submitted,

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